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| B1 (Official For | rm 1)(1/0 | 08) | | | | oannon | | .go <u> </u> | | | | | |
|---|---|------------------------------|--|---|------------------------------------|---|---|---|----------------|---|--------------|-----------------------------------|----------|
| | | | United No | | | ruptcy of Illino | | | | | Vol | untary | Petition |
| Name of Debtor (if individual, enter Last, First, Middle): Avery, Qiana C. | | | | | Name | of Joint Do | ebtor (Spouse | e) (Last, First | , Middle): | | | | |
| All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): AKA Qiana Dilworth | | | | | | All O (inclu | All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): | | | | | | |
| Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) xxx-xx-9440 | | | | | | IN Last f | Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) | | | | | | |
| Street Address of Debtor (No. and Street, City, and State): 7029 S. Campbell First Floor | | | | | | | Street Address of Joint Debtor (No. and Street, City, and State): | | | | | | |
| Chicago, I | L | | | | Г | ZIP Code 60629 | : | | | | | | ZIP Code |
| County of Resid | dence or | of the Princ | cipal Place o | of Business | | 00023 | Coun | y of Reside | ence or of the | Principal Pl | ace of Busin | ness: | |
| Mailing Addres P.O. Box 2 Chicago, I | 9311 | tor (if diffe | rent from str | reet addres | ss): | | Maili | ng Address | of Joint Debt | tor (if differe | nt from stre | eet address): | |
| | | | | | г | ZIP Code | | | | | | | ZIP Code |
| | Location of Principal Assets of Business Debtor (if different from street address above): | | | | | | | | | | | | |
| Type of Debtor (Form of Organization) (Check one box) Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. Corporation (includes LLC and LLP) Partnership Other (If debtor is not one of the above entities, check this box and state type of entity below.) | | | Nature of Business (Check one box) ☐ Health Care Business ☐ Single Asset Real Estate as definin 11 U.S.C. § 101 (51B) ☐ Railroad ☐ Stockbroker ☐ Commodity Broker ☐ Clearing Bank | | | | ☐ Chapt☐ | the 1 eer 7 eer 9 eer 11 eer 12 | of C | hapter 15 P a Foreign I hapter 15 P | | ecognition eding ecognition | |
| | | | ☐ Otho | Tax-Exempt Entity (Check box, if applicable) □ Debtor is a tax-exempt organiza under Title 26 of the United Star Code (the Internal Revenue Cod | | | tates "incurred by an individual primarily for | | | | | | |
| _ | | _ | ee (Check o | ne box) | | | | one box: | | Chapter 11 | | 11 110 0 | 101/515) |
| ■ Full Filing Fee attached □ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. □ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B. | | | | | Check | □ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). □ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: □ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. Check all applicable boxes: □ A plan is being filed with this petition. □ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). | | | | | | | |
| Statistical/Adn Debtor estir Debtor estir there will be | nates that | t funds will t, after any | be available | perty is ex | cluded and | administrat | | es paid, | | THIS | S SPACE IS I | FOR COURT | USE ONLY |
| 1- 5 | ber of Cr 50- | reditors 100- 199 | 200- 999 | 1,000- 5,000 | 5,001- 10,000 | 10,001- 25,000 | 25,001- 50,000 | 50,001- 100,000 | OVER 100,000 | | | | |
| \$0 to \$ | ts \$50,001 to \$100,000 | \$100,001 to \$500,000 | \$500,001 to \$1 million | \$1,000,001 to \$10 million | \$10,000,001 to \$50 million | \$50,000,001 to \$100 million | \$100,000,000 to \$500 million | \$500,000,001 to \$1 billion | | | | | |
| \$0 to \$ | ilities 550,001 to 5100,000 | \$100,001 to \$500,000 | \$500,001 to \$1 million | \$1,000,001 to \$10 million | \$10,000,001 to \$50 million | \$50,000,001 to \$100 million | \$100,000,000 to \$500 million | \$500,000,001 to \$1 billion | | | | | |

| B1 (Official Form | Case 10-00871 Doc 1 Filed 01/12/10 Document | Entered 01/12/10 09:45 Page 2 of 10 | | | | |
|--|---|--|-------------------------------------|--|--|--|
| Voluntary | | Name of Debtor(s): | | | | |
| Ĭ | st be completed and filed in every case) | Avery, Qiana C. | | | | |
| (1100 page man | All Prior Bankruptcy Cases Filed Within Last | t & Vears (If more than two, attach ad | ditional sheet) | | | |
| Location | | Case Number: | Date Filed: | | | |
| | Northern District of Illinois, Eastern Division | 08B 08084-Chapter 13 | 4/03/08 | | | |
| Location Where Filed: | | Case Number: | Date Filed: | | | |
| | nding Bankruptcy Case Filed by any Spouse, Partner, or | | Y | | | |
| Name of Debto | or: | Case Number: | Date Filed: | | | |
| District: | | Relationship: | Judge: | | | |
| forms 10K ar pursuant to S and is reques | Exhibit A leted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission ection 13 or 15(d) of the Securities Exchange Act of 1934 ting relief under chapter 11.) A is attached and made a part of this petition. | Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b). X Signature of Attorney for Debtor(s) Bennett A. Kahn, Rae Kaplan | | | | |
| Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. | | | | | | |
| Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. | | | | | | |
| | Information Regardin | _ | | | | |
| ■. | (Check any app Debtor has been domiciled or has had a residence, principal days immediately preceding the date of this petition or for a | al place of business, or principal assets | s in this District for 180 | | | |
| | | | | | | |
| | | | | | | |
| | Certification by a Debtor Who Resides (Check all appl | | ty | | | |
| | (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) | | | | | |
| | (Name of landlord that obtained judgment) (Address of landlord) | | | | | |
| | Debtor claims that under applicable nonbankruptcy law, the | ere are circumstances under which the | e debtor would be permitted to cure | | | |
| | the entire monetary default that gave rise to the judgment for Debtor has included in this petition the deposit with the couafter the filing of the petition. | | | | | |
| | Debtor certifies that he/she has served the Landlord with th | nis certification. (11 U.S.C. 8 362(1)) | | | | |

Date

fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

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B 1D (Official Form 1, Exhibit D) (12/09)

United States Bankruptcy Court Northern District of Illinois

| In re | Qiana C. Avery | | Case No. | |
|-------|----------------|-----------|----------|----|
| | | Debtor(s) | Chapter | 13 |

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.] ____

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]

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| D (Official Form 1, Exhibit D) (12/09) - Cont. | | | | | | |
|---|--|--|--|--|--|--|
| ☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.); | | | | | | |
| ☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or | | | | | | |
| through the Internet.); | | | | | | |
| ☐ Active military duty in a military combat zone. | | | | | | |
| □ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district. | | | | | | |
| I certify under penalty of perjury that the information provided, above is true and correct. | | | | | | |
| Signature of Debtor: | | | | | | |
| Date: 1/10/10 Qiana C. Avery | | | | | | |

B 201A (Form 201A) (12/09)

WARNING: Effective December 1, 2009, the 15-day deadline to file schedules and certain other documents under Bankruptcy Rule 1007(c) is shortened to 14 days. For further information, see note at bottom of page 2

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS

NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

<u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

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Form B 201A, Notice to Consumer Debtor(s)

Page 2

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Many filing deadlines change on December 1, 2009. Of special note, 12 rules that set 15 days to act are amended to require action within 14 days, including Rule 1007(c), filing the initial case papers; Rule 3015(b), filing a chapter 13 plan; Rule 8009(a), filing appellate briefs; and Rules 1019, 1020, 2015, 2015.1, 2016, 4001, 4002, 6004, and 6007.

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B 201B (Form 201B) (12/09)

United States Rankruptcy Court

| | | thern District of Illinois | urt | | | | | | |
|---------|---|---------------------------------|-------------------------|--------------------------|--|--|--|--|--|
| In re | Qiana C. Avery | | Case No. | | | | | | |
| | | Debtor(s) | Chapter 13 | | | | | | |
| | CERTIFICATION OF NOTICE TO CONSUMER DEBTOR(S) — UNDER § 342(b) OF THE BANKRUPTCY CODE | | | | | | | | |
| | Const. (We) the debtor(s) affirm that I (we) have re- | ertification of Debtor | 1 | | | | | | |
| Code. | I (We), the debtor(s), affirm that I (we) have rec | cerved and read the attached no | otice, as required by § | 342(b) of the Bankruptcy | | | | | |
| Qiana | C. Avery | × XV jan | e XIV- | 1/12/10 | | | | | |
| Printed | d Name(s) of Debtor(s) | Signature of De | ebtor | Date | | | | | |
| Case N | No. (if known) | X | | | | | | | |
| | | Signature of Jo | int Debtor (if any) | Date | | | | | |

Instructions: Attach a copy of Form B 201 A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) only if the certification has **NOT** been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

Asset Acceptance Corp. P.O. Box 2036 Warren, MI 48090

B-Real, LLC 2101 Fourth Ave. Ste. 1030 Seattle, WA 98121

B-Real, LLC MS 550 P.O. Box 91121 Seattle, WA 98111-9221

Barnes Auto Group 2125 N. Cicero Chicago, IL 60639

Capital One Bank*
P.O. Box 30285
Salt Lake City, UT 84130-0285

City of Chicago - Bureau of Parking Attn: Bankruptcy Unit 333 S. State, Room 540 Chicago, IL 60604

City of Chicago Dept. of Revenue* Bureau of Parking-Bankruptcy 333 S. State St., Ste. 540 Chicago, IL 60604-3977

ECast Settlement Corp 383 Madison Avenue, 10th Fl. New York, NY 10179

Jefferson Capital System 16 McLeland Road Saint Cloud, MN 56303

Portfolio Recovery Assoc. 120 Corporate Blvd. Norfolk, VA 23502 Portfolio Recovery Assoc. P.O. Box 41067 Norfolk, VA 23541

Portfolio Recovery Associates P.O. Box 12903 Norfolk, VA 23541

Portfolio Recovery Associates P.O. Box 12903 Norfolk, VA 23541

Portfolio Recovery Associates, LLC* P.O. Box 12914 Norfolk, VA 23541

Sears*
Attn: Bankruptcy
P.O. Box 182149
Columbus, OH 43218-2149

Secretary of State Driver Services 2710 S. Dirksen Parkway Springfield, IL 62723